
HOUSE BILL No. 1439

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-40.4; IC 3-10-1-24; IC 3-11-8-25; IC 3-11-8-25.1.

Synopsis: Voter identification. Requires a precinct election officer to ask a voter to provide proof of identification before the voter is permitted to vote. Provides that proof of identification is an unexpired document issued by the United States or the state that shows: (1) the name of the individual to whom the document was issued; and (2) a photograph of that individual. Provides that if the voter states that the voter is indigent or has a religious objection to being photographed, the voter's refusal to provide identification must be affirmed under the penalties for perjury and noted on the poll list and in the statewide voter registration list.

Effective: Upon passage.

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January 18, 2005, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1439

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 40.4. "Proof of identification" refers to a**
4 **document that satisfies all the following:**

5 (1) **The document shows the name of the individual to whom**
6 **the document was issued.**

7 (2) **The document shows a photograph of the individual to**
8 **whom the document was issued.**

9 (3) **The document is unexpired.**

10 (4) **The document was issued by the United States or the state**
11 **of Indiana.**

12 SECTION 2. IC 3-10-1-24 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A voter who
14 desires to vote must give the voter's name and political party to the poll
15 clerks of the precinct on primary election day. The poll clerks shall
16 require the voter to write the following on the poll list:

17 (1) The voter's name.

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(2) Except as provided in ~~subsection (d)~~, **subsection (e)**, the voter's current residence address.

(3) The name of the voter's party.

(b) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification. A voter is not required to provide proof of identification if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification without the payment of a fee.

(2) The voter has a religious objection to being photographed. If a voter is not required to provide proof of identification under this subsection, the voter's refusal and the reason for the refusal shall be noted on the poll list and in the statewide voter registration list.

~~(c)~~ **(d)** If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

~~(d)~~ **(e)** After December 31, 2005, each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 3. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

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(2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification. A voter is not required to provide proof of identification if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification without the payment of a fee.

(2) The voter has a religious objection to being photographed.

If a voter is not required to provide proof of identification under this subsection, the voter's refusal and the reason for the refusal shall be noted on the poll list and in the statewide voter registration list.

~~(c) This subsection applies after December 31, 2003:~~ **(d)** The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present a piece of identification described in subsection ~~(d)~~ **(e)** to the poll clerk.

~~(d) This subsection applies after December 31, 2003:~~ **(e)** As required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) a current and valid photo identification; or

(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e) This subsection applies after December 31, 2003:~~ **(f)** If a voter

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1 presents a document under subsection ~~(d)~~; (e), the poll clerk shall add
 2 a notation to the list indicating the type of document presented by the
 3 voter. The election division shall prescribe a standardized coding
 4 system to classify documents presented under this subsection for entry
 5 into the county voter registration system.

6 ~~(f) This subsection applies after December 31, 2003:~~ (g) If a voter
 7 required to present documentation under subsection ~~(d)~~ (e) is unable to
 8 present the documentation to the poll clerk while present in the polls,
 9 the poll clerk shall notify the precinct election board. The board shall
 10 provide a provisional ballot to the voter under IC 3-11.7-2.

11 ~~(g) This subsection applies after December 31, 2003:~~ (h) The
 12 precinct election board shall advise the voter that the voter may file a
 13 copy of the documentation with the county voter registration office to
 14 permit the provisional ballot to be counted under IC 3-11.7.

15 ~~(h)~~ (i) This subsection does not apply to a precinct in a county with
 16 a computerized registration system whose inspector was:

- 17 (1) furnished with a list certified under IC 3-7-29; and
- 18 (2) not furnished with a certified photocopy of the signature on
- 19 the affidavit of registration of each voter of the precinct for the
- 20 comparison of signatures under this section.

21 In case of doubt concerning a voter's identity, the precinct election
 22 board shall compare the voter's signature with the signature on the
 23 affidavit of registration or any certified copy of the signature provided
 24 under IC 3-7-29. If the board determines that the voter's signature is
 25 authentic, the voter may then vote. If either poll clerk doubts the voter's
 26 identity following comparison of the signatures the poll clerk shall
 27 challenge the voter in the manner prescribed by section 21 of this
 28 chapter.

29 ~~(i)~~ (j) If, in a precinct governed by subsection ~~(h)~~; (i):

- 30 (1) the poll clerk does not execute a challenger's affidavit; or
- 31 (2) the voter executes a challenged voter's affidavit under section
- 32 22 of this chapter or had executed the affidavit before signing the
- 33 poll list;

34 the voter may then vote.

35 ~~(j)~~ (k) This section expires January 1, 2006.

36 SECTION 4. IC 3-11-8-25.1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) This
 38 section applies after December 31, 2005.

39 (b) After a voter has passed the challengers or has been sworn in,
 40 the voter shall be admitted to the polls. Upon entering the polls, the
 41 voter shall announce the voter's name to the poll clerks or assistant poll
 42 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct

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election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection ~~(f)~~, (g), the voter's current residence address.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification. A voter is not required to provide proof of identification if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that either of the following applies to the voter:

(1) The voter is indigent and unable to obtain identification without the payment of a fee.

(2) The voter has a religious objection to being photographed.

If a voter is not required to provide proof of identification under this subsection the voter's refusal and the reason for the refusal shall be noted on the poll list and in the statewide voter registration list.

~~(d)~~ (e) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(e)~~ (f) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

~~(f)~~ (g) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged"

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1 so that a voter whose residence address shown on the poll list is the
2 voter's current residence address may check the box instead of writing
3 the voter's current residence address on the poll list.

4 SECTION 5. **An emergency is declared for this act.**

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